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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/516,736

03/01/2000

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ODS-11

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7590

09/22/2006

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EXAMINER

WU, RUTAO

ART UNIT

PAPER NUMBER

3639

DATE MAILED: 09/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/516,736	ZARING ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Rob Wu	3639	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 July 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-71 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-71 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Status of Claims***

1. In response filed on July 18 2006 claims 1-71 are pending in the current application. No claims have been amended, cancelled or newly introduced.

### ***Response to Arguments***

2. Applicant's arguments filed July 18 2006 have been fully considered but they are not persuasive.

The applicant argues on page 3 that the MOGID article fails to show or suggest allowing a user to select to present received racing data in audio or visual form. The examiner respectfully disagrees; one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Brenner et al (U.S. Pat No. 6,099,409) disclose an interactive wagering system that allows users to place bets and view race video and audio from the user terminal. (col 4: lines 26-40). Ladue (U.S. Pat No. 5,99,808) teaches a handheld CCAD gaming communicator for placing bets that can operate like a portable video game caddy and contains a plurality of cellular transceivers. The CCAD gaming communicator is capable of operating as a full voice support system and is capable of downloading and displaying a slow scan video images. (col 10: lines 40-67) Therefore, Ladue combined

with Brenner et al (U.S. Pat No. 6,099,409) teaches being able to present racing data in audio or visual form on a cellular device. The MOGID article discloses that the user is able to set his preference of whether to have voice on or off, image on or off, and video on or off (page 4) when the bandwidth of providing such is available to transfer information to his cellular device. Since the user sets his own preference, the preference can obviously be reset to the user's liking by sending a new URL containing the updated variable to the MOGID server. Therefore, the addition of the MOGID article is to teach the ability for the user to select whether he prefers video or audio when information is transmitted to his cellular device, which when combined with Brenner et al and Ladue teaches selecting whether race data is presented on the user's cellular device in audio or video form.

The applicant also argues that there is insufficient motivation to combine Brenner and LaDue with the MOGID article. The examiner respectfully disagrees. The MOGID article discloses using the GSM cellular networks to turn each cellular into a multipurpose orientation and information tool by sending and receiving and sending individual information that is suited to the user. The information could be related any value added services that can be imagined such as providing users with information about movies, theatres, restaurants, etc (page 2). One of the reasons provided by the MOGID article for the user to set his preference to audio only, video only, or audio or video is to reflect the hardware capabilities of user's cellular device (Page 3). Certainly it would be beneficial to the user to select audio only if the user's cellular device lacks

screen size or available bandwidth, conversely, if the user's cellular device has a big screen and the available bandwidth the user is more likely to select audio and video to fully enjoy the services provided by the MOGID server. Therefore, it would have been obviously to combine Brenner et al and Ladue with MOGID article to allow the user to select audio only, video only, or both audio and video according to the hardware capability of the user's device.

Therefore, for the foregoing reasons independent claims 1, 32, 35, 36, 37, 40 and 41 stand rejected. Depended claims 2-31, 33-34, 38-39 and 41-71 are likewise rejected over the prior art of record.

***Claim Rejections - 35 USC § 103***

3. Claims 1-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brenner et al. (US 6,099,409) in view of LaDue (US 5,999,808) in further view of MOGID: Mobile Geo-depended Information on Demand, Dr Peter Balsiger (herein referred to as Balsiger) <http://www.w3.org/Mobile/posdep/wap-v2.htm>, February 2-3, 2000.

**As for Claim 1**, Brenner et al. disclose a method for interactive wagering on races comprising:

receiving at the user terminal racing data on races that have not been run and for which wagers may be placed (see Claim 1 of Brenner et al.);

presenting the racing data on the races that have not been run and for which wagers are placed (see *Id.* and col. 4, lines 38-46 and see the pertinent Figs.); and providing interactive options on the user terminal that allow the user to place a wager on a given race that has not been run (see *Supra* Figs. and col. 4, lines 38-46).

However, Brenner et al. does not expressly disclose the method for interactive wagering, utilizing a cellular telephone that is in wireless data communications network.

LaDue teaches, for a wireless gaming and wagering method and system, that the method utilizes a wireless data communication network (including a cellular telephone) (see Figs. and cols. 1-6 for example; see *Supra* Response to Arguments from the previous Office Action).

Since LaDue and Brenner et al. are both from the same field of endeavor of providing an interactive gaming or gambling by utilizing the two way communications link (either landline or wireless), the purpose disclosed by LaDue would have been well recognized in the pertinent field of Brenner et al.

However, neither Brenner et al nor LaDue teaches the ability to select to present the racing data in audio form or visual form.

Balsiger discloses a mobile geo locator service where location information is send from a server to mobile devices (phone, pda, etc). Balsiger also disclose the ability for the mobile device to send the server with a URL indicating the variables of its

device profile. The device profile sets the variable for sound on/off or images on/off. (Page 4) Balsiger goes on to further disclose when bandwidth permitting, video clips can be provided with the geo locating service. (Page 8) Therefore, it would have been obvious from Balsiger's disclosure that the device profile can be set to allow either sound or video, or both sound and video for the locator service to be send to the mobile device.

Accordingly, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to replace the conventional wireline data communications network system of Brenner et al. with the wireless cellular radio system as taught by LaDue with the ability to allow the user to further select to present the data in audio or visual form, as further taught by Balsiger, for the purpose of providing the user with a portable, wireless two way data communications gaming or wagering system to enable the user to place bets from a remote location. As a further motivation, LaDue's invention, which was published before Balsiger's paper, already disclose a CCAD gaming communicator that can operate like a portable video game caddy and contains a plurality of cellular transceivers. The CCAD gamming communicator is capable of operating as a full voice service support system and downloading and displaying a slow scan video images. (col 10: lines 40-67) Therefore, it would have been obvious at the time of the invention to have the CCAD gaming controller notify the casino servers of its device profile to whether to allow voice service only, video service only, or both audio and video service as taught by Balsiger.

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**As for Claim 2**, the modified method of Brenner et al. further discloses the method including the step of providing racing data to the cellular telephone from a transaction processing and subscription management system (col. 4, lines 38-46 and see the pertinent Figs. of Brenner et al. and Figs. 5-9B, 11 of LaDue and the descriptions thereof).

**As for Claim 3**, the modified method of Brenner et al. further discloses the method including the step of displaying interactive options on the cellular telephone that allows the user with an opportunity to initiate access to the interactive wagering service (col. 2, lines 34-39 of Brenner et al.).

**As for Claim 4**, the modified method of Brenner et al. further discloses the method including the step of displaying an interactive option on the cellular phone that provides the user with an opportunity to initiate creation of a wager (see Supra Figs. of Brenner et al. and LaDue).

**As for Claim 5**, the modified method of Brenner et al. further discloses the method including the step of displaying interactive options on the terminal to provide the user with an opportunity to display race results (see col. 3, lines 15-18 of Brenner et al.).

**As for Claim 6**, the modified method of Brenner et al. further discloses the method including the step of viewing handicapping information on the terminal (col. 25, lines 14-24 of Brenner et al.).

**As for Claim 7**, the modified method of Brenner et al. further discloses the method including the step of providing the user with an opportunity to select the racetrack for the given race (col. 2, lines 47-53 of Brenner et al.).



**As for Claim 8**, the modified method of Brenner et al. further discloses the method including the step of providing the user with an opportunity to select the given race from a plurality of races at a plurality of racetracks (col. 2, lines 47-53 of Brenner et al.).

**As for Claim 9**, the modified method of Brenner et al. further discloses the method including the step of providing the user with an opportunity to select a desired wager type for the wager (Id.).

**As for Claim 10**, the modified method of Brenner et al. further discloses the method including the step of providing the user with an opportunity to select a horse on which to wager for the given race (col. 1, lines 16-17 of Brenner et al.).

**As for Claim 11**, the modified method of Brenner et al. further discloses the method including the step of displaying current odds for the wager on the cellular telephone in real time before the wager is placed (col. 6, lines 32-35 of Brenner et al.).

**As for Claim 12**, the modified method of Brenner et al. further discloses the method including the step of providing the user with an opportunity to select a wager amount for the wager (col. 2, lines 47-53 of Brenner et al.).

**As for Claim 13**, the modified method of Brenner et al. further discloses the method including the step of displaying an interactive option on the cellular phone to create a new wager after the wager has been created (Id.).

**As for Claim 14**, the modified method of Brenner et al. further discloses the method including the step of providing the user with an opportunity to place the wager by wirelessly sending the wager to a transaction processing and subscription management system (col. 4, lines 38-46 of Brenner et al. and the purpose disclosed by LaDue).

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**As for Claim 15**, the modified method of Brenner et al. further discloses the method including the step of displaying an interactive option on the cellular phone to delete a wager after the wager has been created (col. 15, lines 15-17 of Brenner et al.).

**As for Claim 16**, the modified method of Brenner et al. further discloses the method including the step of providing the user with an opportunity to enter a personal ID number (col. 4, lines 46-51 of Brenner et al.).

**As for Claim 17**, the modified method of Brenner et al. further discloses the method including the step of providing the user with an opportunity to request account balance information from a totalisator (col. 24, lines 46-59 of Brenner et al.).

**As for Claims 18 and 19**, the modified method of Brenner et al. further discloses the method including the step of using user television equipment or user computer to view race results (col. 1, lines 32-35; col. 4, lines 38-46 of Brenner et al.).

**As for Claim 20**, the modified method of Brenner et al. further discloses the method including the step of using a wireless data link to receive racing data from a transaction processing and subscription management system (see Supra Claim 2).

**As for Claims 21-22**, the modified method of Brenner et al. further discloses the method including the step of using a wireless data link to receive racing data from a transaction processing and subscription management system, wherein the transaction processing and subscription management system receives the racing data from a racing data collection and processing system, or a totalisator (col. 4, lines 38-46 of Brenner et al.).

**As for Claim 23**, the modified method of Brenner et al. further discloses the method including the step of adjusting an account of the user to reflect the outcome of the wager (col. 4, lines 38-46 of Brenner et al.).

**As for Claim 24**, the modified method of Brenner et al. further discloses the method including the step of adjusting an account of the user to reflect the outcome of the wager and displaying results from the wager on the cellular phone (see Supra columns of Brenner et al. and LaDue).

**As for Claim 25**, the modified method of Brenner et al. further discloses the method including the step of providing the user with an opportunity to set a reminder for the given race and display the reminder (col. 3, lines 19-22 of Brenner et al.).

**As for Claims 26-27**, the modified method of Brenner et al. further discloses the method including the step of providing the user with a reminder for the given race with the cellular telephone (see Id.).

**As for Claim 28**, the modified method of Brenner et al. further discloses the method including the step of providing the user with an opportunity to reminder the user of the given race by using automatic dialing equipment to place a telephone call to the telephone and provide an audio message (col. 1, lines 13-15 of Brenner et al.; and Supra Figs. and columns of LaDue).

**As for Claim 29**, the modified method of Brenner et al. further discloses the method including the step of providing video for the given race (Id.).

**As for Claim 30**, the modified method of Brenner et al. further discloses the method including the step of providing the user with an opportunity to set a reminder for the

given race using the cellular telephone, and displaying the reminder fro the given race on the user television equipment (see Supra Brenner et al. and LaDue).

**As for Claim 31**, the modified method of Brenner et al. further discloses the method including the step of providing the user with an opportunity to set a reminder for the given race using the cellular telephone, and displaying the reminder fro the given race on the computer (see Supra Brenner et al. and LaDue).

**Regarding to Claim 32**, the modified interactive wagering system of Brenner et al. in view of LaDue in further view of Balsiger. can implement the method claims of 1-31, and comprising:

a transaction processing and subscription management system for handling wagers on races; (col. 4, lines 38-46 and see the pertinent Figs. of Brenner et al. and Figs. 5-9B, 11 of LaDue and the descriptions thereof).

a cellular telephone that is in wireless communication with the processing and management system; and (LaDue col 10, lines 40-67)

the cellular telephone having a display, wherein the cellular telephone is configured to:

receive racing data on races that have not been run and for which wagers are placed; (see claim 1 of Brenner et al)

allow the user to select to present the racing data in audio or visual form;

present the racing data on the races that have not been run and for which wagers are placed on the cellular telephone based on the user selection; (see Id and col 4, lines 38-46 and see the pertinent Figs) and

provide interactive options on the cellular telephone that allow the user to place a wager on a given race that has not been run (see Supra Figs and col 4 lines 38-46). However, Brenner et al. does not expressly disclose the method for interactive wagering, utilizing a cellular telephone that is in wireless data communications network.

LaDue teaches, for a wireless gaming and wagering method and system, that the method utilizes a wireless data communication network (including a cellular telephone) (see Figs. and cols. 1-6 for example; see Supra Response to Arguments from the previous Office Action).

Since LaDue and Brenner et al. are both from the same field of endeavor of providing an interactive gaming or gambling by utilizing the two way communications link (either landline or wireless), the purpose disclosed by LaDue would have been well recognized in the pertinent field of Brenner et al.

However, neither Brenner et al nor LaDue teaches the ability to select to present the racing data in audio form or visual form.

Balsiger discloses a mobile geo locator service where location information is send from a server to mobile devices (phone, pda, etc). Balsiger also disclose the ability for the mobile device to send the server with a URL indicating the variables of its

device profile. The device profile sets the variable for sound on/off or images on/off. (Page 4) Balsiger goes on to further disclose when bandwidth permitting, video clips can be provided with the geo locating service. (Page 8) Therefore, it would have been obvious from Balsiger's disclosure that the device profile can be set to allow either sound or video, or both sound and video for the locator service to be send to the mobile device.

Accordingly, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to replace the conventional wireline data communications network system of Brenner et al. with the wireless cellular radio system as taught by LaDue with the ability to allow the user to further select to present the data in audio or visual form, as further taught by Balsiger, for the purpose of providing the user with a portable, wireless two way data communications gaming or wagering system to enable the user to place bets from a remote location. As a further motivation, LaDue's invention, which was published before Balsiger's paper, already disclose a CCAD gaming communicator that can operate like a portable video game caddy and contains a plurality of cellular transceivers. The CCAD gamming communicator is capable of operating as a full voice service support system and downloading and displaying a slow scan video images. (col 10: lines 40-67) Therefore, it would have been obvious at the time of the invention to have the CCAD gaming controller notify the casino servers of its device profile to whether to allow voice service only, video service only, or both audio and video service as taught by Balsiger.

**As for Claim 33**, the modified system of Brenner et al. further discloses the system wherein the cellular phone is configured to receive information on the results of the given race from the a transaction processing and subscription management system and is configured to display the results of the given race on the display (col. 4, lines 38-46 and see the pertinent Figs. of Brenner et al. and Figs. 5-9B, 11 of LaDue and the descriptions thereof).

**As for Claim 34**, the modified system of Brenner et al. further discloses the system wherein the cellular phone is configured to receive information on current odds for the given race from the transaction processing and subscription management system before the given race has been run and is configured to display the information on the current odds on the display (col. 6, lines 32-35 of Brenner et al.).

**As for Claim 35**, the modified interactive wagering system of Brenner et al. in view of LaDue in further view of Balsiger. can implement the method claims of 1-31, and comprising:

a transaction processing and subscription management system for handling wagers on races; (col. 4, lines 38-46 and see the pertinent Figs. of Brenner et al)

equipment selected from the group consisting of: user television, computer, and non-cellular telephone, wherein the equipment is configured to access racing data at the transaction processing and subscription management system and to provide information on wagers data to the transaction processing and subscription management system; and (See Brenner et al)

a cellular telephone that receives racing data on races that have not been run and for which wagers are placed from the processing and management system and provides wagering data to the processing and management system and that has a display, wherein the telephone is configured to:

allow a user to select to present the racing data in audio form or visual form;

present the racing data on the races that have not been run and for which wagers are placed on the cellular telephone based on the user selection; (see *Id.* and col. 4, lines 38-46 and see the pertinent Figs of Brenner). and

provide interactive options on the cellular telephone that allow the user to place a wager on a given race that has not been run, wherein the equipment is configured to display information on race results for the given race after the given has been run (see *Supra* Figs. and col. 4, lines 38-46).

However, Brenner et al. does not expressly disclose the method for interactive wagering, utilizing a cellular telephone that is in wireless data communications network.

LaDue teaches, for a wireless gaming and wagering method and system, that the method utilizes a wireless data communication network (including a cellular telephone) (see Figs. and cols. 1-6 for example; see *Supra* Response to Arguments from the previous Office Action).

Since LaDue and Brenner et al. are both from the same field of endeavor of providing an interactive gaming or gambling by utilizing the two way communications



link (either landline or wireless), the purpose disclosed by LaDue would have been well recognized in the pertinent field of Brenner et al.

However, neither Brenner et al nor LaDue teaches the ability to select to present the racing data in audio form or visual form.

Balsiger discloses a mobile geo locator service where location information is send from a server to mobile devices (phone, pda, etc). Balsiger also disclose the ability for the mobile device to send the server with a URL indicating the variables of its device profile. The device profile sets the variable for sound on/off or images on/off. (Page 4) Balsiger goes on to further disclose when bandwidth permitting, video clips can be provided with the geo locating service. (Page 8) Therefore, it would have been obvious from Balsiger's disclosure that the device profile can be set to allow either sound or video, or both sound and video for the locator service to be send to the mobile device.

Accordingly, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to replace the conventional wireline data communications network system of Brenner et al. with the wireless cellular radio system as taught by LaDue with the ability to allow the user to further select to present the data in audio or visual form, as further taught by Balsiger, for the purpose of providing the user with a portable, wireless two way data communications gaming or wagering system to enable the user to place bets from a remote location. As a further motivation, LaDue's invention, which was published before Balsiger's paper, already disclose a CCAD gaming communicator that can operate like a portable video game caddy and

contains a plurality of cellular transceivers. The CCAD gaming communicator is capable of operating as a full voice service support system and downloading and displaying a slow scan video images. (col 10: lines 40-67) Therefore, it would have been obvious at the time of the invention to have the CCAD gaming controller notify the casino servers of its device profile to whether to allow voice service only, video service only, or both audio and video service as taught by Balsiger.

**As for Claim 36**, the modified interactive wagering system of Brenner et al. in view of LaDue in further view of Balsiger. can implement the method claims of 1-31, and comprising:

a transaction processing and subscription management system for handling wagers on races; (col. 4, lines 38-46 and see the pertinent Figs. of Brenner et al)

equipment selected from the group consisting of: user television, computer, and non-cellular telephone, wherein the equipment is configured to access racing data at the transaction processing and subscription management system and to provide information on wagers data to the transaction processing and subscription management system; and (See Brenner)

a cellular telephone that receives racing data on races that have not been run and for which wagers are placed from the processing and management system and provides wagering data to the processing and management system and that has a display, wherein the telephone is configured to:

allow a user to select to present the racing data in audio form or visual form; and

present the racing data on the races that have not been run and for which wagers are placed on the cellular telephone based on the user selection (see Id. and col. 4, lines 38-46 and see the pertinent Figs of Brenner).

However, Brenner et al. does not expressly disclose the method for interactive wagering, utilizing a cellular telephone that is in wireless data communications network.

LaDue teaches, for a wireless gaming and wagering method and system, that the method utilizes a wireless data communication network (including a cellular telephone) (see Figs. and cols. 1-6 for example; see Supra Response to Arguments from the previous Office Action).

Since LaDue and Brenner et al. are both from the same field of endeavor of providing an interactive gaming or gambling by utilizing the two way communications link (either landline or wireless), the purpose disclosed by LaDue would have been well recognized in the pertinent field of Brenner et al.

However, neither Brenner et al nor LaDue teaches the ability to select to present the racing data in audio form or visual form.

Balsiger discloses a mobile geo locator service where location information is send from a server to mobile devices (phone, pda, etc). Balsiger also disclose the ability for the mobile device to send the server with a URL indicating the variables of its device profile. The device profile sets the variable for sound on/off or images on/off. (Page 4) Balsiger goes on to further disclose when bandwidth permitting, video clips

can be provided with the geo locating service. (Page 8) Therefore, it would have been obvious from Balsiger's disclosure that the device profile can be set to allow either sound or video, or both sound and video for the locator service to be send to the mobile device.

Accordingly, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to replace the conventional wireline data communications network system of Brenner et al. with the wireless cellular radio system as taught by LaDue with the ability to allow the user to further select to present the data in audio or visual form, as further taught by Balsiger, for the purpose of providing the user with a portable, wireless two way data communications gaming or wagering system to enable the user to place bets from a remote location. As a further motivation, LaDue's invention, which was published before Balsiger's paper, already disclose a CCAD gaming communicator that can operate like a portable video game caddy and contains a plurality of cellular transceivers. The CCAD gamming communicator is capable of operating as a full voice service support system and downloading and displaying a slow scan video images. (col 10: lines 40-67) Therefore, it would have been obvious at the time of the invention to have the CCAD gaming controller notify the casino servers of its device profile to whether to allow voice service only, video service only, or both audio and video service as taught by Balsiger.

**As for Claim 37**, the modified cellular telephone interactive wagering system of Brenner et al. in view of LaDue in further view of Balsiger. can implement the method claims of 1-31, and comprising:

- computer equipment that handles wagers; and (See LaDue)
- a cellular telephone being configured to:
  - allow a user to select to present the racing data in audio form or visual form;
  - present the racing data on the races that have not been run and for which wagers are placed on the cellular telephone based on the user selection; (see Id. and col. 4, lines 38-46 and see the pertinent Figs of Brenner); and
  - provide interactive options on the cellular telephone that allow the user to place a wager on a given race that has not been run, wherein the equipment is configured to display information on race results for the given race after the given has been run (see Supra Figs. and col. 4, lines 38-46).

However, Brenner et al. does not expressly disclose the method for interactive wagering, utilizing a cellular telephone that is in wireless data communications network.

LaDue teaches, for a wireless gaming and wagering method and system, that the method utilizes a wireless data communication network (including a cellular telephone) (see Figs. and cols. 1-6 for example; see Supra Response to Arguments from the previous Office Action).

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However, neither Brenner et al nor LaDue teaches the ability to select to present the racing data in audio form or visual form.

Balsiger discloses a mobile geo locator service where location information is send from a server to mobile devices (phone, pda, etc). Balsiger also disclose the ability for the mobile device to send the server with a URL indicating the variables of its device profile. The device profile sets the variable for sound on/off or images on/off. (Page 4) Balsiger goes on to further disclose when bandwidth permitting, video clips can be provided with the geo locating service. (Page 8) Therefore, it would have been obvious from Balsiger's disclosure that the device profile can be set to allow either sound or video, or both sound and video for the locator service to be send to the mobile device.

Accordingly, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to replace the conventional wireline data communications network system of Brenner et al. with the wireless cellular radio system as taught by LaDue with the ability to allow the user to further select to present the data in audio or visual form, as further taught by Balsiger, for the purpose of providing the user with a portable, wireless two way data communications gaming or wagering system to enable the user to place bets from a remote location. As a further motivation,

LaDue's invention, which was published before Balsiger's paper, already disclose a CCAD gaming communicator that can operate like a portable video game caddy and contains a plurality of cellular transceivers. The CCAD gaming communicator is capable of operating as a full voice service support system and downloading and displaying a slow scan video images. (col 10: lines 40-67) Therefore, it would have been obvious at the time of the invention to have the CCAD gaming controller notify the casino servers of its device profile to whether to allow voice service only, video service only, or both audio and video service as taught by Balsiger.

**As for Claim 38**, the modified system of Brenner et al. further discloses the invention wherein the cellular telephone is configured to receive information on results of the wager and to display the information on the results of the wager on the display (see Supra Brenner et al. and LaDue).

**As for Claim 39**, the modified system of Brenner et al. further discloses the invention wherein the computer equipment is part of a transaction processing and subscriber management system.

**As for Claim 40**, the modified interactive wagering system of Brenner et al. in view of LaDue in further view of Balsiger. can implement the method claims of 1-31, and comprising:

a transaction processing and subscription management system for handling wagers on races;

equipment selected from the group consisting of: user television, computer, and non-cellular telephone, wherein the equipment is configured to access racing data at the

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transaction processing and subscription management system and to provide information on wagers data to the transaction processing and subscription management system; and

a cellular telephone that receives racing data on races that have not been run and for which wagers are placed from the processing and management system and provides wagering data to the processing and management system and that has a display, wherein the telephone is configured to:

allow a user to select to present the racing data in audio form or visual form; present the racing data on the races that have not been run and for which wagers are placed on the cellular telephone based on the user selection; and display account balance information for the user (see Supra Claims 1, 32, 35-37).

**As for Claim 41**, Brenner et al. disclose a machine readable medium, when executed by a processor, for:

receiving at the user terminal racing data on races that have not been run and for which wagers may be placed (see Claim 1 of Brenner et al.);

presenting the racing data on the races that have not been run and for which wagers are placed (Id. and col. 4, lines 38-46 and see the pertinent Figs.); and

providing interactive options on the user terminal that allow the user to place a wager on a given race that has not been run (see Supra Figs. and cols.).



However, Brenner et al. does not expressly disclose the method for interactive wagering, utilizing a cellular telephone that is in wireless data communications network.

LaDue teaches, for a wireless gaming and wagering method and system, that the method utilizes a wireless data communication network (including a cellular telephone) (see Figs. and cols. 1-6 for example).

Since LaDue and Brenner et al. are both from the same field of endeavor of providing an interactive gaming or gambling by utilizing the two way communications link (either landline or wireless), the purpose disclosed by LaDue would have been well recognized in the pertinent field of Brenner et al.

However, neither Brenner et al nor LaDue teaches the ability to select to present the racing data in audio form or visual form.

Balsiger discloses a mobile geo locator service where location information is send from a server to mobile devices (phone, pda, etc). Balsiger also disclose the ability for the mobile device to send the server with a URL indicating the variables of its device profile. The device profile sets the variable for sound on/off or images on/off. (Page 4) Balsiger goes on to further disclose when bandwidth permitting, video clips can be provided with the geo locating service. (Page 8) Therefore, it would have been obvious from Balsiger's disclosure that the device profile can be set to allow either sound or video, or both sound and video for the locator service to be send to the mobile device.

Accordingly, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to replace the conventional wireline data communications network system of Brenner et al. with the wireless cellular radio system as taught by LaDue with the ability to allow the user to further select to present the data in audio or visual form, as further taught by Balsiger, for the purpose of providing the user with a portable, wireless two way data communications gaming or wagering system to enable the user to place bets from a remote location. As a further motivation, LaDue's invention, which was published before Balsiger's paper, already disclose a CCAD gaming communicator that can operate like a portable video game caddy and contains a plurality of cellular transceivers. The CCAD gaming communicator is capable of operating as a full voice service support system and downloading and displaying a slow scan video images. (col 10: lines 40-67) Therefore, it would have been obvious at the time of the invention to have the CCAD gaming controller notify the casino servers of its device profile to whether to allow voice service only, video service only, or both audio and video service as taught by Balsiger.

**As for Claim 42**, the modified invention of Brenner et al. further discloses the medium for providing racing data to the cellular telephone from a transaction processing and subscription management system (col. 4, lines 38-46 and see the pertinent Figs. of Brenner et al. and Figs. 5-9B, 11 of LaDue and the descriptions thereof).

**As for Claim 43**, the modified invention of Brenner et al. further discloses the medium for displaying interactive options on the cellular telephone that allows the user with an

opportunity to initiate access to the interactive wagering service (col. 2, lines 34-39 of Brenner et al.).

**As for Claim 44**, the modified invention of Brenner et al. further discloses the medium for displaying an interactive option on the cellular phone that provides the user with an opportunity to initiate creation of a wager (see Supra Figs. of Brenner et al. and LaDue).

**As for Claim 45**, the modified invention of Brenner et al. further discloses the medium for displaying interactive options on the terminal to provide the user with an opportunity to display race results (see col. 3, lines 15-18 of Brenner et al.).

**As for Claim 46**, the modified invention of Brenner et al. further discloses the medium for viewing handicapping information on the telephone (col. 25, lines 14-24 of Brenner et al.).

**As for Claim 47**, the modified invention of Brenner et al. further discloses the medium for providing the user with an opportunity to select the racetrack for the given race (col. 2, lines 47-53 of Brenner et al.).

**As for Claim 48**, the modified invention of Brenner et al. further discloses the medium for providing the user with an opportunity to select the given race from a plurality of races at a plurality of racetracks (col. 2, lines 47-53 of Brenner et al.).

**As for Claim 49**, the modified invention of Brenner et al. further discloses the medium for providing the user with an opportunity to select a desired wager type for the wager (Id.).

**As for Claim 50**, the modified invention of Brenner et al. further discloses the medium for providing the user with an opportunity to select a horse on which to wager for the given race (col. 1, lines 16-17 of Brenner et al.).

**As for Claim 51**, the modified invention of Brenner et al. further discloses the medium for displaying current odds for the wager on the cellular telephone in real time before the wager is placed (col. 6, lines 32-35 of Brenner et al.).

**As for Claim 52**, the modified invention of Brenner et al. further discloses the medium for providing the user with an opportunity to select a wager amount for the wager (col. 2, lines 47-53 of Brenner et al.).

**As for Claim 53**, the modified invention of Brenner et al. further discloses the medium for displaying an interactive option on the cellular phone to create a new wager after the wager has been created (Id.).

**As for Claim 54**, the modified invention of Brenner et al. further discloses the medium for providing the user with an opportunity to place the wager by wirelessly sending the wager to a transaction processing and subscription management system (col. 4, lines 38-46 of Brenner et al. and the purpose disclosed by LaDue).

**As for Claim 55**, the modified invention of Brenner et al. further discloses the medium for displaying an interactive option on the cellular phone to delete a wager after the wager has been created (col. 15, lines 15-17 of Brenner et al.).

**As for Claim 56**, the modified invention of Brenner et al. further discloses the medium for providing the user with an opportunity to enter a personal ID number (col. 4, lines 46-51 of Brenner et al.).

**As for Claim 57**, the modified invention of Brenner et al. further discloses the medium for providing the user with an opportunity to request account balance information from a totalisator (col. 24, lines 46-59 of Brenner et al.).

**As for Claims 58 and 59**, the modified invention of Brenner et al. further discloses the medium for using user television equipment or user computer to view race results (col. 1, lines 32-35; col. 4, lines 38-46 of Brenner et al.).

**As for Claim 60**, the modified invention of Brenner et al. further discloses the medium for using a wireless data link to receive racing data from a transaction processing and subscription management system (see Supra Claim 2).

**As for Claims 61-62**, the modified invention of Brenner et al. further discloses the medium for using a wireless data link to receive racing data from a transaction processing and subscription management system, wherein the transaction processing and subscription management system receives the racing data from a racing data collection and processing system, or a totalisator (col. 4, lines 38-46 of Brenner et al.).

**As for Claim 63**, the modified invention of Brenner et al. further discloses the medium for adjusting an account of the user to reflect the outcome of the wager (col. 4, lines 38-46 of Brenner et al.).

**As for Claim 64**, the modified invention of Brenner et al. further discloses the medium for adjusting an account of the user to reflect the outcome of the wager and displaying results from the wager on the cellular phone (see Supra columns of Brenner et al. and LaDue).

**As for Claim 65**, the modified invention of Brenner et al. further discloses the medium for providing the user with an opportunity to set a reminder for the given race and display the reminder (col. 3, lines 19-22 of Brenner et al.).

**As for Claims 66-67**, the modified invention of Brenner et al. further discloses the medium for providing the user with a reminder for the given race with the cellular telephone (see Id.).

**As for Claim 68**, the modified invention of Brenner et al. further discloses the medium for providing the user with an opportunity to reminder the user of the given race by using automatic dialing equipment to place a telephone call to the telephone and provide an audio message (col. 1, lines 13-15 of Brenner et al.; and Supra Figs. and columns of LaDue).

**As for Claim 69**, the modified invention of Brenner et al. further discloses the medium for providing video for the given race (Id.).

**As for Claim 70**, the modified invention of Brenner et al. further discloses the medium for providing the user with an opportunity to set a reminder for the given race using the cellular telephone, and displaying the reminder fro the given race on the user television equipment (see Supra Brenner et al. and LaDue).

**As for Claim 71**, the modified invention of Brenner et al. further discloses the medium for providing the user with an opportunity to set a reminder for the given race using the cellular telephone, and displaying the reminder fro the given race on the computer (see Supra Brenner et al. and LaDue).

***Conclusion***

4. Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rob Wu whose telephone number is (571)272-3136.

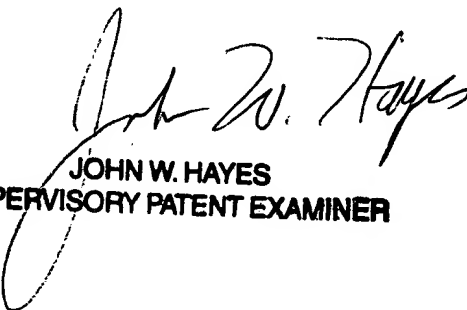
The examiner can normally be reached on Mon-Fri 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571)272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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rw



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